UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	DISTRICT JUDGE POLSTER
)	MAGISTRATE JUDGE RUIZ
This document relates to:)	
)	
State of Alabama v. Purdue Pharma, et al.,)	
Case No. 18-OP-45236)	
)	
)	

PLAINTIFF'S UNOPPOSED MOTION TO FILE CONSOLIDATED BRIEF IN RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS AND MOTION FOR EXTENSION OF TIME TO FILE CONSOLIDATED BRIEF

The State of Alabama respectfully moves this Honorable Court for an order (1) permitting it to file a consolidated brief in response to the Defendants' motions to dismiss and (2) granting Alabama an extension to file said response. Alabama offers the following in support of its motion:

- 1. The Court's Case Management Order One ("CMO-1") sets forth the parameters of the Parties' briefing on threshold legal issues on common claims. *See* Doc. 232 at 3-4. CMO-1 requires Alabama to file its Response 28 days after the Defendants' filed their motions to dismiss. It also permits the Defendants to file replies 21 days after Alabama's Response and allows State Attorneys General to file amicus briefs in response. *Id.* at 4.
- 2. The Court issued a separate order establishing the parameters of the amicus briefs to be filed by State Attorneys General. *See* Doc. 699. Specifically, the amicus briefs shall be filed no later than 7 days after Alabama files its Response, and the Defendants' reply briefs, if any, shall be filed no later than 28 days after the amicus briefs are filed.

- 3. CMO-1 also requires the parties to consolidate briefing when possible to "avoid duplicative briefing by incorporating similar arguments by reference" and "not to repeat arguments in subsequent cases or briefs." Doc. 232 at 4. Purdue and Endo ("Manufacturer Defendants") collectively filed one Motion to Dismiss (Doc. 690) while McKesson, as the sole distributor, submitted its own Motion to Dismiss (Doc. 689). These motions were filed on June 29, 2018.
- 4. Under CMO-1 and Local Rule 7.1, Alabama is entitled to file 2 briefs of 30 pages each to respond to the Manufacturer Defendants and McKesson's Motions to Dismiss.
 - 5. Under CMO-1, the deadline for Alabama to file its responses is **July 27, 2018**.
- 6. Consistent with CMO-1's order to "consolidate briefing" and "avoid duplicative briefing," *id*, Alabama and the Defendants agree on the following:
 - a. Alabama may file one combined Response brief, not to exceed 50 pages, in opposition to the Defendants' motions to dismiss.
 - b. Extending Alabama's deadline to file its Response by 7 days or until <u>August 3</u>,2018.
 - c. This extension would likewise push back the deadlines for the Defendants to file their Replies and the States Attorneys General to file their amicus briefs by 7-days.
- 7. Having consulted with the Defendants, Alabama reports that no Defendant has opposed Alabama's filing of a Consolidated Response or the above-requested 7-day extension.

WHEREFORE, Alabama respectfully requests an Order from the Court granting its Unopposed Motion to File a Consolidated Brief in Response to the Defendants' Motions to Dismiss and Motion for an Extension to file its Consolidated Response to August 3, 2018, and

further adjusting the amicus and Defendant's deadlines accordingly. For the Court's convenience, Alabama has attached a proposed order as Exhibit A.

Respectfully submitted,

/s/ Rhon E. Jones

Deputy Attorney General

Corey L. Maze Special Deputy Attorney General

J. Ryan Kral Private Counsel

Joshua P. Hayes Deputy Attorney General

Attorneys for Plaintiff, State of Alabama

GOVERNMENT COUNSEL:

Steve Marshall Attorney General

Corey L. Maze

Special Deputy Attorney General

Winfield J. Sinclair

Assistant Attorney General

Michael G. Dean

Assistant Attorney General

Office of the Attorney General of Alabama

501 Washington Avenue Montgomery, AL 36130 Phone: (334) 242-7300

Fax: (334) 242-4891 cmaze@ago.state.al.us wsinclair@ago.state.al.us mdean@ago.state.al.us

PRIVATE COUNSEL:

Jere L. Beasley – ASB 1981A35J Rhon E. Jones – ASB 7747E52R Richard D. Stratton – ASB 3939T76R Jeffrey D. Price – ASB 8190F60P J. Ryan Kral – ASB 9669N70K J. Parker Miller – ASB 7363H53M

Beasley, Allen, Crow, Methvin, Portis &

Miles, P.C.

Robert F. Prince – ASB-2570-C56R Joshua P. Hayes – ASB-4868-H68H

Prince, Glover & Hayes

1 Cypress Point

701 Rice Mine Road North Tuscaloosa, Alabama 35406

Telephone: (205) 345-1234

Fax: (205) 752-6313

218 Commerce Street Post Office Box 4160 (36103-4160) Montgomery, Alabama 36104 Telephone: (334) 269-2343

Fax: (334) 954-7555

Jere.Beasley@BeasleyAllen.com Rhon.Jones@BeasleyAllen.com Rick.Stratton@BeasleyAllen.com William.Sutton@BeasleyAllen.com Ryan.Kral@BeasleyAllen.com Parker.Miller@BeasleyAllen.com rprince@princelaw.net jhayes@princelaw.net

Case: 1:17-md-02804-DAP Doc #: 780 Filed: 07/24/18 5 of 5. PageID #: 18279

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2018, I electronically filed the foregoing with the Clerk of

Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be

obtain through, the Court CM/ECF Systems.

/s/ Rhon E. Jones

Deputy Attorney General